

REMARKS

In the Office Action mailed June 26, 2008 the Office noted that claims 1-19 were pending and rejected claims 1, 2, 4, 5, 7-11 and 16-19 and objected to claims 3, 6 and 12-15. Claims 1 and 3-19 have been amended, claim 2 has been canceled, and, thus, in view of the foregoing claims 1 and 3-19 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claims 1-19 stand object to for informalities. In particular, the Office asserts that the claims contain element numbers and that certain claims lack antecedent basis.

The Applicant has amended the claims to overcome the rejection.

ALLOWABLE SUBJECT MATTER

The Office objected to claims 3, 6 and 12-15 as allowable except for being dependent from rejected base claims. The Applicants thank the Office for the consideration given the claims and submit that the claims are allowable for the reasons discussed below.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2, 4, 5 and 16-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fujieda, U.S. Patent No. 5,307,141. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Fujieda discusses two devices allowing an optician to visualize the regions of different powers of a progressive ophthalmic lens (column 1, lines 59-66).

The first device of Fujieda, as in figure 1, comprises a support 2 that receives a glasses rim with said lens, and illumination means 6 in the form of a lighted display screen 6. This display screen 6 is moreover used to display an activatable and deactivatable pattern filter chosen by the optician. The lens being placed on the display screen 6, between the optician and the screen, the optician can therefore see the pattern filter displayed on the display screen 6 through the lens. The pattern of the pattern filter appears distorted when seen through the lens and this distortion depends on the power of the lens. The optician can therefore easily recognize the regions of the lens with different powers (Fujieda column 4, lines 24-30).

Fujieda also describes a second device, represented on figure 5. This second device of Fujieda is adapted to automatically select the best geometric features (size, interval between lines... see column 6, lines 28-51) of the pattern filter chosen to be displayed on a display screen 21 similar to the

display screen 6 of the first device, so that the optician can observe this selected pattern filter displayed on the display screen 21 through the lens to visualize its zones of different powers, just as it was done in the first device (column 6, lines 62-64). In order to achieve this automatic selection, the second device comprises a system to measure the power of the lens. The lens is first placed on a support 20 and illuminated on one side by a light source 23. On the other side of the lens, an optical detector and refractive power calculator 24 analyzes the light transmitted through the lens in order to determine its power (column 6, lines 3-14).

The second device of Fujieda then automatically selects the geometrical features of the pattern filter chosen by the optician that will be most adequate for the optician to visualize the regions of different powers of the lens. The corresponding selected filter is then displayed on the display screen 21 (Fujieda , column 6, lines 28-43).

The optician in Fujieda can then place the lens on the display screen 21, as described in the first device of figure 1, to observe the selected pattern filter through the lens and visualize the regions of different powers (column 6, lines 62 - 64).

In this second device of Fujieda, no pattern filter is placed between the light source 23 and the support 20 of the lens. Further, no acquisition and analysis mean is described to

be suitable for processing any light transmitted through the lens in order to determine the positions of engraved markings of this lens, as in amended claim 1. The lens described here does not comprise engraved markings either.

The Applicant has amended claim 1 to further recite "the first acquisition and analysis means being suitable for processing the light transmitted through said ophthalmic lens and said activated pattern filter in order to determine the positions of said engraved markings of said ophthalmic lens." Support for the amendment may be found, for example, in claim 2 as originally filed; page 1 line 31 through page 2 line 7; and page 3 lines 3-16 of the Specification. The Applicant submits that no new matter has been added by the amendment of claim 1. As discussed above, Fujieda does not discuss "first acquisition and analysis means being suitable for processing the light transmitted through said ophthalmic lens and said activated pattern filter in order to determine the positions of said engraved markings of said ophthalmic lens," as in amended claim 1.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Fujieda.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 7-11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fujieda in view of Levecq, U.S. Patent No.

2003/0015649. The Applicants respectfully disagree and traverse the rejection with an argument.

Levecq discusses a device for determining various characteristics of a lens, wherein the lens is received on a support 103 placed between a light source S1 and acquisition and analysis means of the light transmitted through the lens. A mask is placed between this light source S1 and said support 103.

Claims 7-11 are not obvious as they are dependent from an allowable base claim. Further, one of ordinary skill in the art would not have looked to modify Fujieda with the teachings of Levecq as Fujieda would need to be modified in a way that is inconsistent with its functions as disclosed. For example, one would have to modify:

- the position and the function of the pattern filter displayed on the display screen 21, and
- the acquisition and analysis means 24.

Indeed, the pattern filter, as in claim 1, does not perform the same and does not yield the enhancement of automatically detecting engraved markings on an ophthalmic lens sought by the present invention. As such, the combination of features of the cited references therefore does not result in the inventive solution of the new set of claims and thus fails to provide a basis for a lack of inventive step.

Moreover, the one of ordinary skill in the art could not have considered modifying the second device disclosed in

Fujieda to place the pattern filter between the light source 23 and the support 20 of the lens without inventive activity, since "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (In re W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983)). Here, the one of ordinary skill in the art is invited to observe the pattern filter directly through the lens placed in front of the display screen 21, as was done in the first device of figure 1 (see column 6, lines 62 - 64). Therefore, placing a pattern filter between the light source 23 and the support 20 would have drastically modified the operating mode of the device described by Fujieda, as it would have forced the one of ordinary skill in the art to implement an imaging system allowing him to capture and display the image of the pattern filter through the lens. Furthermore, analysis means suitable for processing light transmitted through the lens in order to determine the positions of engraved markings of this lens would also have been needed in order to implement the invention as in claim 1.

For at least the reasons discussed above, Fujieda and Levecq, taken separately or in combination, fail to render obvious the features of claims 7-11.

Withdrawal of the rejections is respectfully requested.


SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1 and 3-19 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



James J. Livingston, Jr.
Reg.No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/fb